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Attorneys for Plaintiff
CRAIG YATES

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CRAIG YATES,) Case No. C 07 4087 JSW
vs.)
Plaintiff,)
UNION SQUARE; CITY AND COUNTY)
OF SAN FRANCISCO; CITY OF SAN)
FRANCISCO UPTOWN PARKING) Trial Date: None Set
CORPORATION, and DOES 1 through 50,) Complaint Filed: August 9, 2007
Inclusive,)
Defendants.)
STIPULATION AND ORDER TO
CONTINUE CASE MANAGEMENT
CONFERENCE; [PROPOSED]
ORDER THEREON

TO THE COURT AND ALL PARTIES:

The parties, Plaintiff, Craig Yates, and Defendants, City and County Of San Francisco and City Of San Francisco Uptown Parking Corporation ("Defendants"), collectively, the "Parties", by and through their undersigned counsel, hereby stipulate to a continuance of the Case Management Conference currently scheduled for April 4, 2008, for 30 days.

A. **Recitals.** On August 9, 2007, Plaintiff filed his complaint in this lawsuit (the "Complaint") against Defendants for Injunctive & Declaratory Relief and Damages.

B. On November 19, 2007, Plaintiff filed a Request for Dismissal of

1 Defendants Emporio Rulli Il Caffe Union Sq. and Emporio Rulli Il Caffe Union Sq., Inc.
2 which was granted on November 19, 2007.

3 C. On December 6, 2007, the Parties met and conferred at the subject
4 property.

5 D. On December 12, 2007, Defendants re-filed their Motion for the
6 Court to Decline Supplemental Jurisdiction Over and to Dismiss Plaintiff's State Law
7 Claims [28 U.S.C. Section 1337 (c) and to Strike Plaintiff's Unsupported and Improper
8 Damage Prayers from the Complaint [FRCP 12 (f)] ("Motion") which was originally filed
9 on September 28, 2007, before Judge Elizabeth D. Laporte, and transferred to this Court
10 for hearing on the Motion set for February 8, 2008.

11 E. On or about January 28, 2008 all counsel met pursuant to General
12 Order 56.

13 F. On February 4, 2008 the parties met at the Union Square site and
14 plaintiff examined multiple copies of blueprints of Union Square and underground garage

15 G. On February 7, 2008 the Court filed its order on the Motion. The
16 Court found that the matter was appropriate for disposition without oral argument and
17 granted the moving defendants' Motion to decline supplemental jurisdiction over the state
18 law claims and denied in part and granted in part the moving defendants' motion to strike.

19 H. On or about March 10, 2008 the plaintiff filed his notice of appeal
20 of this Court's order granting the defendants' Motion to dismiss plaintiff's state law
21 claims and striking related state law claims. Defendants question whether this appeal is
22 properly filed.

23 I. On or about March 11, 2008 the plaintiff filed a complaint on his
24 state law claims in San Francisco Superior court as case # CGC -08-473176. Defendants
25 question whether this new lawsuit was properly filed in light of plaintiff's above-
26 referenced appeal.

27 J. Plaintiff is still inspecting the site and the parties have not

1 completed the process set forth in General Order Rule 56.

2 K. Martin Orlick, Esq., counsel for defendants, will be out of the area
3 and unavailable on May 15 through May 26, 2008, inclusive, and Defendants request that
4 the Court schedule the Continued Case Management Conference on a date outside this
5 date range.

6 In light of the foregoing recitals, the Parties request the Court continue the Case
7 Management Conference for thirty (30) days for a date other than May 15 through May
8 26, 2008.

9 DATED: March , 2008

10 THIMESCH LAW OFFICES
11 TIMOTHY S. THIMESCH
12 GENE A. FARBER

13 By: /s/ Signature Authorized
14 Attorneys for Plaintiff CRAIG YATES

15 DATED: March , 2008

16 JEFFER, MANGELS, BUTLER & MARMARO LLP
17 MARTIN H. ORLICK
18 MATTHEW S. KENEFICK

19 By: /s/ Signature Authorized
20 Attorneys for Defendants CITY AND COUNTY OF
21 SAN FRANCISCO and CITY OF SAN FRANCISCO
22 UPTOWN PARKING CORPORATION

23 DATED: March , 2008

24 OFFICE OF THE CITY ATTORNEY
25 ELAINE O'NEIL
26 JAMES MOXON EMERY

27 By: /s/ Signature Authorized
28 Attorneys for Defendant CITY AND COUNTY OF
SAN FRANCISCO

29 **ORDER.**

30 The parties having so stipulated, and good cause appearing therefore,

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1 IT IS SO ORDERED that the Case Management Conference currently scheduled
2 for April 4, 2008, be continued for thirty (30) days to _____.
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UNITED STATES DISTRICT JUDGE